IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11562 of 2004

Between:

Chaitanya Cultural Association Reg. No. 790/93, rep. by its
President, Kunireddy Srinivas S/o. Chinna Veeranna,
H.No. 3-15-8, Subbaraopet, Tadepalligudem, W.G.District.

..... PETITIONER

AND

1 The District Collector, W.G.District, Office at Eluru-Town, W.G.District.
2 The Municipal Commissioner, Tadepalligudem Municipality,
Tadepalligudem, W.G.Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in passing the impugned resolution No. 245 dt. 30.9.2003, as illegal, arbitrary, irrational and violative of law laid down by the Apex Court in M.I. Builders Pvt. Ltd., Vs Radhe Shyam Sahu and others reported in A.I.R. 1999 S.C. Page No. 2468, and also violative of Section 52 (2) of Andhra Pradesh (Andhra Area) Town Planning Act -1920, and also violative of Rule 4 of the Acquisition and Transfer of the Immovable Properties Rules 1967, under the Andhra Pradesh Municipalities Act, and also violative of Schedule-II part-II Rule 42 (d) framed under Rules regarding proceedings of the council, under the Andhra Pradesh Municipalities Act, and also violative of Part III of Constitution of India.

For the Petitioner: MR.UNNAM MURALIDHAR RAO, Advocate

For the Respondent No.1: GP FOR REVENUE

For the Respondent No.2: Mr. D. Srinivas, SC for Tadepalligudem Municipality

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue, and learned Standing Counsel for the second respondent-Municipality and at their request the writ petition itself is taken up for final disposal at the admission stage.

Assailing the resolution No.245, dated 30-9-2003 passed by the Council of second respondent-Municipality for giving the maintenance of Mahatma Gandhi Town Hall vested in them, to private persons, the present writ petition is filed.

The petitioner claims to be a cultural organization in Tadepalligudem, West Godavari District. It is alleged that with the donations given by the people, the Town Hall in question was constructed for public purpose as well as for encouraging socio-cultural activities. According to the petitioner, the second respondent by virtue of its council resolution, dated 30-9-2003 is going to entrust the maintenance of the town hall to private persons, and if they are allowed to do so, the petitioner and other cultural organizations will not be allowed to make use of the said hall for their cultural activities. Assailing the impugned resolution as illegal and arbitrary, the petitioner and other cultural organizations called 'Rangastali' made a representation on 10-10-2003 to the first respondent-District Collector to stop privatization of the town hall, but no action has been taken so far in the matter. Hence, the writ petition.

Having regard to the facts and circumstances of the case and in view of the fact that the representation submitted by 'Rangastali' is pending consideration with the first respondent, I deem it appropriate to dispose of the writ petition in the following terms.

The first respondent-District Collector, West Godavari District shall consider and take necessary action on the representation submitted by the petitioner and other cultural organizations called 'Rangastali', dated 10-10-2003, before granting permission for entrustment of the maintenance of Mahatma Gandhi Town Hall, Tadepalligudem to private persons in terms of the council resolution of the second respondent-Municipality, dated 30-9-2003. No costs.

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N.V. RAMANA, J

Date: 08-07-2004

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To

1 The District Collector, W.G.District, Office at Eluru-Town, W.G.District.
2 The Municipal Commissioner, Tadepalligudem Municipality, Tadepalligudem, W.G.Dist.

3 Two CCs. to Govt. Pleder for Revenue, High Court Buildings, A.P.,

Hyderabad. (OUT)

4 Two CD copies.